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Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The UN Human Rights Council must prioritize the situation of persons arbitrary detained, abducted and disappeared in Syria

As the crisis in Syria enters its fifth year, the human rights situation in the country remains disastrous. War crimes and crimes against humanity are rife and civilians are bearing the brunt of the conflict. Despite various UN Security Council resolutions on the situation in the Syrian Arab Republic, there is no end in sight to the deliberate infliction of suffering on the civilian population. Amnesty International values the ongoing work of the Independent International Commission of Inquiry established by the Human Rights Council and the UN Secretary-General's Special Envoy for Syria, Staffan de Mistura, in particular in the context of the latest efforts to relieve the situation of bombarded and besieged civilians in the Aleppo area.

Nevertheless, the organization encourages the Commission of Inquiry and the Special Envoy to do whatever they can to improve the situation of those persons in Syria who are arbitrarily detained, abducted and disappeared. Their situation is particularly acute and should be addressed with the utmost urgency as an ongoing human rights violation. Space for civil society has been stifled through the arbitrary detention, abduction and disappearance of human rights defenders, peaceful political activists, journalists and media workers and medical and humanitarian staff, detained solely as a result of the legitimate exercise of their human rights. It is essential to begin to rebuild civil society space in Syria if there is to be a just and durable solution to the conflict.

Since the beginning of the crisis, thousands of people suspected of being opponents of the current government have been arbitrarily detained by the Syrian authorities. Many have been subjected to enforced disappearance, including Khalil Ma'touq, a human rights lawyer and director of the Syrian Centre for Legal Studies and Research, who has been disappeared since October 2012.

Research undertaken over many years by Amnesty International has demonstrated how torture and other ill-treatment was widespread even before the crisis, and has since become rife in the various detention facilities run by Syrian security forces. This includes routine beatings, often using objects such as metal bars or the butt of a gun against detainees in stress positions, electric shocks, sexual violence, exposure to extreme cold and denial of medical treatment. The organization concluded in March 2012 that the torture carried out by the Syrian authorities amounts to crimes against humanity. One detainee told Amnesty International: "Those who torture are professionals who know how to keep their victim alive. It's not difficult to imagine how many they killed to gain that experience." Amnesty International's findings in this regard have been echoed by the Independent International Commission of Inquiry, which has also documented the widespread and systematic use of torture in multiple government detention facilities.

Reports from former detainees interviewed by Amnesty International further indicate catastrophic detention conditions across the various detention facilities operated by government security forces. These conditions include inadequate food, clean drinking water and sanitation; overcrowding, causing the spread of skin and other diseases; and the complete absence of or very limited access to medical care. One former detainee told Amnesty International, for example, that out of lack of drinking water, prisoners resorted to drinking from the toilet, which led to diarrhoea and subsequent dehydration. Such detention conditions reportedly contribute to a large number of deaths in custody.

Many of the detainees who eventually reappear, often many months after their arrest and thus beyond the limits of pre-trial detention time under Syrian law, are subjected to grossly unfair trials, including through Military Field Courts and the Anti-Terrorism Court. Amnesty International considers both courts to be inherently unfair in their proceedings. Military Field Courts are presided over by military judges, do not allow for defendants to have legal representation, and their verdicts are not subject to appeal. They are authorized to issue severe sentences, including the death penalty. The Anti-Terrorism Court applies an overly broad definition of terrorism and is not required to comply with the requirements provided for in existing legislation for criminal trials and prosecutorial procedure. Judges of the Anti-Terrorism Court are military officers and there is no judicial appeal oversight.

Human rights defenders Hani al-Zitani, Hussein Gharir and Mazen Darwish, all working for the Syrian Centre for Media and Freedom of Expression, have been on trial before the Anti-Terrorism Court since February 2013, solely as the result of their work of documenting and monitoring human rights violations in Syria and despite a call by the UN General Assembly in June 2013[1] for their release, echoed by the UN Working Group on Arbitrary Detention in April 2014[2].

Non-state armed groups are also targeting civilians, including human rights defenders, peaceful political activists, journalists, media workers, and medical and humanitarian staff. They have abducted and held some of them hostage. One of these peaceful activists is Razan Zeitouneh, another human rights lawyer, who together with three of her colleagues was abducted in Duma, in the besieged Eastern Ghouta area under the control of various armed opposition groups, including Jaysh al-Islam, in December 2013. They are still missing.

Amnesty International's research confirms that persons detained by armed groups are also held in poor detention conditions and routinely subjected to torture and other ill-treatment. The organization has received numerous reports of torture and beatings, including with instruments of torture. These violations have been committed by the armed group calling itself the Islamic State (IS) and, to a lesser extent, by armed groups affiliated with the Free Syrian Army. The Independent International Commission of Inquiry has reported similar findings. Former detainees who spoke to Amnesty International have reported witnessing summary killings of other detainees, sometimes after what appeared to be a "sentencing" by what the armed group in question considered a Shari'a court.

IS in particular has been committing war crimes on a mass scale, including the summary killing of hostages and other abductees. Former detainees have told Amnesty International of torture and inhuman detention conditions. Detainees generally did not know where they were held and frequently witnessed others being flogged, beaten, subjected to electric shocks and forced into stress positions for prolonged periods of time. Those beaten have included children. A 15-year-old student abducted from the border town of Kobani for example told Amnesty International after his release: "I tried to escape, and was caught with three other boys. They hung me from the ceiling from my wrists for around half an hour. Then they beat us in front of everyone; there were three of them beating the three of us. They used their hands, legs and hosepipes. I was then taken downstairs and given electric shocks. They attached tongs to my fingers and turned the electricity on five times." Amnesty International notes that the Independent International Commission of Inquiry published similar findings in its November 2014 report. IS has also targeted human rights defenders, such as the lawyer Abdullah al-Khalil, who is believed to have been abducted by the group in May 2013.

The violations and abuses described in this statement, some of which amount to war crimes and crimes against humanity, continue over one year after the adoption of UN Security Council Resolution 2139, which called on all parties to "desist from all violations of international humanitarian law and violations and abuses of human rights" and demanded an end to the practices of arbitrary detention, torture, abductions and enforced disappearances. The Human Rights Council must look for additional ways to contribute to putting an end to these gross and systematic violations.

Amnesty International urges the Human Rights Council, its members and observer states to:

1) Call on all parties to the conflict to immediately and unconditionally release all persons who have been arbitrarily detained, abducted or subjected to enforced disappearance as a result of the exercise of their human rights or other peaceful political, media and medical activities.

2) Demand that the Syrian authorities bring recognizable criminal charges against any persons in their custody or release them. Those charged must be promptly referred to trials that comply with international fair trial standards. The

[1] UN General Assembly Resolution 67/262 of 4 June 2013.
[2] Mazen Darwish et al. v. Syrian Arab Republic, Working Group on Arbitrary Detention, Opinion No. 43/2013, UN Doc. A/HRC/WGAD/2013/43 (2014).

Syrian authorities must refrain from trying civilians before military courts and no one should be tried by courts that are inherently unfair, such as Military Field Courts or the Anti-Terrorism Court.

3) Call on all parties to the conflict to ensure that all persons detained are protected from torture and other ill-treatment, are provided with access to their families and medical support and are held in conditions in compliance with the Standard Minimum Rules for the Treatment of Prisoners. Persons detained by the government must also have access to their lawyers.

4) Demand that all parties to the conflict immediately reveal the whereabouts of all persons held and provide unhindered access for recognized international detention monitors, including the Independent International Commission of Inquiry, to all detention facilities, official and unofficial.